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10/587,301	06/29/2007	Heiko Sportel	8459.020.US0000	5403

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EXAMINER	
FIGUEROA, ADRIANA	
ART UNIT	PAPER NUMBER
3633	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/587,301	SPORTEL, HEIKO	
	Examiner	Art Unit	
	ADRIANA FIGUEROA	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2010* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: this claim is missing the dependency from claim 1 as indicated in the previously presented set of claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 8, 11, 16, 19 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rensch (3,374,593).

Regarding claims 1, 2, 4 and 8, Rensch discloses a tower for a wind turbine having an exterior side and an interior side, the tower at least partly comprising prefabricated metal wall parts (Bi), (Fig 2) wherein each wall part comprises an essentially flat quadrangular portion having an outwardly facing surface in the direction of the exterior of the tower and an inwardly facing surface in the direction of the interior of the tower, (Fig 2, 9) said portion having a top edge, a bottom edge, a first side edge and a second side edge, wherein the first side edge is provided with a first flange (6) along at least part of the length of the first side edge, and wherein the second side edge is provided with a second flange (6) along at least part of the length of the second side

edge, said first and second flanges of the prefabricated metal wall parts extend toward the interior of the tower and said first and second flanges of adjacent wall parts are attached to each other by fastening means (8b), (Fig 2). The examiner would like to state that although Rensch does not disclose that his tower is used for a wind turbine, this is merely an intended use and adds no structural features to the claims. Therefore, since Rensch's device comprises all of the claimed limitations, it is inherently capable of performing the same functions as applicant's device.

Regarding claim 5, Rensch discloses the claimed invention, wherein the essentially quadrangular portion of the prefabricated metal wall parts is essentially rectangular wherein the length of the first side edge is approximately equal to the length of the second side edge and wherein the bottom edge is approximately equal to the length of the top edge, (Fig 2, 9).

Regarding claim 11, Rensch discloses the claimed invention, wherein the prefabricated metal wall parts are steel parts, (Col 4, Lines 45-50).

Regarding claim 16, Rensch discloses a method for constructing a tower for a wind turbine according to claim 1 at least partly composed of said prefabricated metal wall parts (Bi), comprising attaching on prefabricated metal wall part to an adjacent said prefabricated wall part, (Fig 2, 9).

Regarding claim 19, Rensch discloses the basic claimed invention, wherein the first flange (6) of a said prefabricated metal wall part is attached to the second flange (6) of an said adjacent prefabricated metal wall part by fastening means comprising nuts and bolts (8b), (Fig 2).

Regarding claim 22, Rensch discloses the claimed invention, wherein the prefabricated metal wall parts are high strength steel parts, (Col 4, Lines 45-50).

3. Claims 1, 2, 4, 5, 8, 11, 14, 16, 20, 24 and 25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Silber (2005/0166521).

Regarding claims 1, 2, 4 and 8, Silber discloses a tower (100) for a wind turbine having an exterior side and an interior side, the tower at least partly comprising prefabricated metal wall parts (111-115), (Fig 8, 9) wherein each wall part comprises an essentially flat quadrangular portion having an outwardly facing surface in the direction of the exterior of the tower and an inwardly facing surface in the direction of the interior of the tower, (Fig 8, 9) said portion having a top edge, a bottom edge, a first side edge and a second side edge, wherein the first side edge is provided with a first flange (bend portion shown in Fig 10d) along at least part of the length of the first side edge, and wherein the second side edge is provided with a second flange (Fig 10d) along at least part of the length of the second side edge, said first and second flanges of the prefabricated metal wall parts extend toward the interior of the tower and said first and second flanges of adjacent wall parts are attached to each other by fastening means (152), (Fig 8, 9, 10d).

Regarding claim 5, Silber discloses the claimed invention, wherein the essentially quadrangular portion of the prefabricated metal wall parts is essentially rectangular wherein the length of the first side edge is approximately equal to the length

of the second side edge and wherein the bottom edge is approximately equal to the length of the top edge, (Fig 8).

Regarding claim 11, Silber discloses the claimed invention, wherein the prefabricated metal wall parts are steel parts, (Par 0054).

Regarding claim 14, Silber discloses the claimed invention, wherein the tower is provided with stiffening means (130-140), (Fig 10).

Regarding claim 16, Silber discloses a method for constructing a tower for a wind turbine according to claim 1 at least partly composed of said prefabricated metal wall parts (111-115), comprising attaching on prefabricated metal wall part to an adjacent said prefabricated wall part, (Fig 8, 9).

Regarding claim 20, Silber discloses the basic claimed invention, wherein the tower has an essentially circular cross section (Fig 8, 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8, 9, 11, 13, 14, 16-20, 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Rensch (US 3,374593).

Regarding claims 1, 2, 4 and 8, Jensen discloses a tower for a wind turbine having an exterior side and an interior side, the tower at least partly comprising prefabricated metal wall parts (3), wherein each wall part comprises an essentially quadrangular portion having an outwardly facing surface in the direction of the exterior of the tower and an inwardly facing surface in the direction of the interior of the tower, said portion having a top edge, a bottom edge, a first side edge and a second side edge, wherein the first side edge is provided with a first flange (6) along at least part of the length of the first side edge, and wherein the second side edge is provided with a second flange (6) along at least part of the length of the second side edge, said first and second flanges of the prefabricated metal wall parts extend toward the interior of the tower and said first and second flanges of adjacent wall parts are attached to each other by fastening means (3), (Fig 1-3). Jensen does not disclose wherein the essentially quadrangular portion of the respective prefabricated metal wall part is essentially flat without a kink. However, Rensch teaches that it is known to provide a column comprised of metal sections having a quadrangular portion that is essentially flat, (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Jenson's quadrangular portion flat instead of curved, because the flat surfaces will allow the pole to have a different shape. Also, it would be easier to attach any cross arms or supports to a flat surface as opposed to a rounded surface.

Regarding claims 3, 17 and 18, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein each of the prefabricated metal wall

parts has a height and a width. Jensen does not specifically disclose that at least two of the prefabricated metal wall parts have a height which is at least about 2.5 times larger than the width of the bottom edge, more than five times larger than the bottom edge, or more than 10 times larger than the width of the bottom edge. However, Jensen does teach that by increasing the diameter of the tower, the strength will also increase [0009]. He also discloses that larger lengths can be established by welding shell segments together [0026]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sections within the above ranges, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Further, by making the tower sections longer, fewer sections will need to be put in place. This will facilitate a speedy assembly of the structure.

Regarding claim 5, Jensen modified by Rensch discloses the claimed invention. Jensen further disclose wherein the essentially quadrangular portion of the prefabricated metal wall parts is essentially rectangular wherein the length of the first side edge is approximately equal to the length of the second side edge and wherein the bottom edge is approximately equal to the length of the top edge, (Figures 1 and 2).

Regarding claim 9, Jensen modified by Rensch discloses the claimed invention except for specifically disclosing that the first and/or second flanges are provided with an additional first flange or second flange. Rensch teaches that it is known to provide a flange with a first/second flange (20) and an additional first/second flange (21), (Figure 8). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to provide Jensen's flange(s) with additional flanges, because as taught by Rensch, the additional flanges will reinforce the flanges, (column 6, lines 64-65).

Regarding claim 11, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the prefabricated metal wall parts are steel parts [0001].

Regarding claim 13, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the circumference of the tower consists of n adjacently positioned prefabricated metal wall parts. Jensen does not specifically disclose that the angle between the first and second flange is 360/n. Rensch teaches that it is known to provide a column with metal parts having first and second flanges, wherein the angle between the flanges is 360/n, (column 5, lines 7-12, i.e. 360/6 sides is 60 degrees). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to angle the flanges of Jensen's invention as taught by Rensch, because by having them at the angle of 360/n the flanges will mate in a flush manner. If the flanges were oriented perpendicular to the quadrangular portion, there would be a larger gap between the flanges near the outer face of the panels.

Regarding claim 14, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the tower is provided with stiffening means (9), (Fig 3).

Regarding claim 16, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses a method for constructing a tower for a wind turbine

according to claim 1 at least partly composed of said prefabricated metal wall parts, comprising attaching on prefabricated metal wall part to an adjacent said prefabricated wall part, (Figures 2-5).

Regarding claim 19, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the first flange of a said prefabricated metal wall part is attached to the second flange of an said adjacent prefabricated metal wall part by fastening means comprising nuts and bolts, (Figure 3).

Regarding claim 20, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the tower has an essentially circular, cross-section, (Figure 5).

Regarding claim 22, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the prefabricated metal wall parts are high strength steel parts [0001].

Regarding claim 26, Jensen modified by Rensch discloses the claimed invention. Jensen further discloses wherein the essentially quadrangular portion of the prefabricated metal wall parts is essentially trapezoidal wherein the length of the first side edge is approximately equal to the length of the second side and wherein the bottom edge is longer than the top edge, (Figure 1).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Rensch (US 3,374,593) and further in view of applicant's specification. Jensen modified by Rensch discloses the claimed invention

except for specifically disclosing that the first and/or second flanges are at least partially folded back towards the inwardly facing surface of the essentially quadrangular portion of the prefabricated wall part for at least partly doubling the thickness of the first and/or second flanges. However, applicant admits in the amended specification at page 6, lines 5-8 that "This doubling of the flanges causes an additional stiffening of the construction. It will be clear to the skilled person in view of the present disclosure that instead of being folded back towards the inwardly facing surface of the essentially quadrangular portion of the prefabricated metal wall part once as described above, the flange could also be folded back twice or more contributing to the stiffening effect". Thus, the examiner contends that the applicant's disclosure admits that one having ordinary skill in the art would see the flanges of the instant application and would know to double the flanges in order to increase their stiffness. Therefore, the examiner contends that it would have been obvious to one having ordinary skill in the art to double over Jensen's flanges in order to increase the stiffness of said flanges. Further, the examiner takes Official Notice that such doubling over of flanges is notoriously well known in the flange stiffening art.

6. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Rensch (US 3,374,593) and further in view of Kleine et al. (4,248,025).

Regarding claims 12 and 23, Jensen modified by Rensch discloses the claimed invention, but does not specifically disclose that the first flange of the at least one said

prefabricated metal wall part is vertically staggeredly attached to the second flange of an adjacent said prefabricated metal wall part by fastening means or that more than half of the adjacently positioned prefabricated metal wall parts are attached vertically staggerdly. Kleine teaches that it is known to vertically stagger metal panel sections of a metal column (see 26, 27 in figures 2-4). It would have been obvious to vertically stagger the sections 3 of Jensen's invention, because by staggering the sections with respect to each other, the horizontal joints will not be in a line. They joints will be staggered and produce a stronger column. This is taught by Kleine at column 3, lines 32-47.

7. Claims 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Rensch (US 3,374,593) and further in view of Milliken (D21074)

Regarding claims 21 and 32, Jensen discloses the claimed invention except for specifically disclosing that the essentially quadrangular portion is essentially flat and wherein the essentially quadrangular portion of the respective prefabricated metal wall part also comprises at least one kink essentially in the direction between the bottom edge and the top edge of the prefabricated metal wall part, wherein the kink is a projection. Milliken teaches that it is known to provide a metal column comprised of wall parts having a flat quadrangular portion with at least one kink therein (see figure). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Jenson's quadrangular portion flat instead of curved, because the flat surfaces will allow the pole to have a different shape. Also, it would be easier to

attach any cross arms or supports to a flat surface as opposed to a rounded surface. Further, it is also known by those of ordinary skill in the art that providing a kink in a thin metal panel is a way of strengthening said panel. The kink makes the panel more rigid and less likely to bend.

8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Rensch (US 3,374,593) and further in view of Silber (2005/0166521).

Regarding claims 24 and 25, Jensen discloses the claimed invention except for specifically disclosing that the tower is provided with stiffening means comprising one or more substantially horizontal stiffening rings. Silber teaches that it is known to provide stiffening rings 51-54 in a tower construction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate stiffening rings into Jensen's invention, because the stiffening rings will help to make the overall structure more rigid.

9. Claims 6, 7, 15, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Baker (US 6,148,585).

Regarding claims 15 and 27, Jensen discloses a tower for a wind turbine composed of prefabricated metal wall parts (3), having an essentially quadrangular portion having an outwardly facing surface and an inwardly facing surface, (Fig 1, 2), said portion having a top edge, a bottom edge, a first side edge and a second side

edge, wherein the first side edge is provided with a first flange (6) along at least part of the length of the first side edge, and wherein the second side edge is provided with a second flange (6) along at least part of the length of the second side edge, (Fig 1-3). Jensen does not disclose the first flange is provided with an additional first flange and/or wherein the second flange is provided with an additional second flange. However, Baker teaches wall parts (10, 12) having a first flange (30) provided with an additional first flange and wherein the second flange (32) is provided with an additional second flange, (Fig 1, 6), (Col 4, Lines 1-4). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wall parts of Jensen to include additional flanges as taught by Baker in order to stiffen and reinforce the flanges.

Regarding claim 6, Jensen modified by Baker discloses the claimed invention. Jensen further discloses wherein the tower has an essentially annular, horizontal cross-section, (Figure 5).

Regarding claim 7, Jensen modified by Baker discloses the claimed invention. Jensen further discloses wherein the essentially quadrangular portion of the respective prefabricated metal wall parts is curved, (Figures 2 and 5).

Regarding claims 30 and 31, Jensen modified by Baker discloses the claimed invention. Baker further teaches wherein additional first flange (30) and wherein the additional second flange (32) form an L-shape with the first flange and the second flange, respectively, (Fig 1, 6).

10. Claims 15, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (2006/0272244) in view of Arand (EP 0960986)

Regarding claims 15 and 27, Jensen discloses a tower for a wind turbine composed of prefabricated metal wall parts (3), having an essentially quadrangular portion having an outwardly facing surface and an inwardly facing surface, (Fig 1, 2), said portion having a top edge, a bottom edge, a first side edge and a second side edge, wherein the first side edge is provided with a first flange (6) along at least part of the length of the first side edge, and wherein the second side edge is provided with a second flange (6) along at least part of the length of the second side edge, (Fig 1-3). Jensen does not disclose the first flange is provided with an additional first flange and/or wherein the second flange is provided with an additional second flange. However, Arand teaches wall parts (10, 11) having a first flange (17) provided with an additional first flange (21) and wherein the second flange (16) is provided with an additional second flange (22), (Fig 1, 6, 7). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wall parts of Jensen to include additional flanges as taught by Arand in order to stiffen and reinforce the flanges.

Regarding claims 28 and 29, Jensen modified by Arand discloses the claimed invention. Arand further teaches wherein the first flanges (17) and the second flanges (16) are at least partly folded back towards the inwardly facing surface of the essentially quadrangular portion of the prefabricated metal wall part for at least partly doubling the thickness of the first flanges and/or second flanges (Fig 1, 6, 7).

Response to Arguments

11. Applicant's arguments filed 7/30/2010 have been fully considered but they are not persuasive.

12. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references of Jensen and Rensch, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Jensen teaches a tower comprising prefabricated metal wall parts having flanges; Rensch teaches a column comprising flat prefabricated metal wall parts and also teaches that is known to include additional flanges in the first and second flanges of a metal section to provide additional reinforcement to the flanges. Examiner asserts that one of ordinary skill in the art would look into the teaching of Rensch to have a tower with flat sections when is desired to have a tower of different shape such as hexagonal or octagonal and to include additional flanges in order to reinforce the flanges.

13. In response to applicant's argument regarding the rejection of claim 10, examiner contends that the applicant's amended disclosure admits that one having ordinary skill

in the art would see the flanges of the instant application and would know to double the flanges in order to increase their stiffness. Furthermore, the common knowledge or well-known in the art statement presented in the previous Office Action is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. See MPEP 2144.03 [R-6].

In addition the examiner would like to note that the prior art of record of Arand (EP0960986) teaches that is known to have flanges at least partially folded back towards the inwardly facing surface of the metal wall part.

14. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references of Jensen and Milliken, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Jensen teaches a tower comprising prefabricated metal wall parts having flanges; Milliken teaches a metal column having wall parts with a kink. Examiner asserts that one of ordinary skill in the art would look into the teaching of Milliken to add at least one kink to a metal wall part in order to provide a stronger panel and tower.
In addition, as per applicant request, examiner would like to note that the prior art of record of Kinzer (US 7,392,624) teaches that having panels with additional

stratifications or layers (faces) would enhance the column strength (Col 14, Lines 39-44). Thus examiner asserts that including at least one kink to a metal wall part would provide additional faces to the panel and would enhance the panel strength.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADRIANA FIGUEROA whose telephone number is (571)272-8281. The examiner can normally be reached on M-Th 7:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADRIANA FIGUEROA/
Examiner, Art Unit 3633
8/27/2010

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633